



One Olde Half Day Road  
Lincolnshire, IL 60069  
[www.lincolnshireil.gov](http://www.lincolnshireil.gov)



## 2.1

### MINUTES REGULAR VILLAGE BOARD MEETING Tuesday, October 13, 2015

#### Present:

Mayor Brandt  
Trustee Grujanac  
Trustee McAllister  
Trustee Servi  
Village Attorney Simon  
Chief of Police Kinsey  
Community & Economic Development  
Director McNellis

Trustee Feldman (Arrived at 7:07 p.m.)  
Trustee Hancock  
Trustee McDonough  
Village Clerk Mastandrea  
Village Manager Burke  
Village Treasurer/Finance Director Peterson  
Public Works Director Woodbury  
Village Planner Robles

#### ROLL CALL

Mayor Brandt called the meeting to order at 7:04 p.m., and Village Clerk Mastandrea called the Roll.

#### 2.1 Approval of the September 28, 2015 Regular Village Board Meeting Minutes

Trustee McDonough moved and Trustee Servi seconded the motion to approve the minutes of the Regular Village Board Meeting of September 28, 2015 as presented. The roll call vote was as follows: AYES: Trustees Grujanac, McAllister, McDonough, Servi, Hancock, and Feldman NAYS: None. ABSENT: None. ABSTAIN: None. Mayor Brandt declared the motion carried.

#### 3.0 REPORTS OF OFFICERS

##### 3.1 Mayor's Report

Mayor Brandt noted the Cubs won the game tonight, six to four and are moving on to the next series.

Mayor Brandt noted Lincolnshire Lightning teams went to a Libertyville tournament and three teams made the championships. The Lincolnshire U13 boys went undefeated and won the championship four to ten, boys U10 and girls U11 took second place in their division.

##### 3.2 Village Clerk's Report - None

##### 3.3 Village Treasurer's Report - None

##### 3.4 Village Manager's Report

Village Manager Burke noted the draft Fiscal Year 2016 budget will be delivered to the Board on Thursday, October 15, 2015 and Budget Workshop Meetings are scheduled for Monday, October 19<sup>th</sup> and Wednesday, October 21<sup>st</sup> at 6:30 p.m. in the Community Room at the Village Hall.

Village Manager Burke updated the Board regarding the new software deployment and thanked staff for all the work being done on deployment along with simultaneously working on the budget.

#### **4.0 PAYMENT OF BILLS**

##### **4.1 Bills Presented for Payment on October 13, 2015 in the amount of \$200,157.41**

Finance Director Peterson provided a summary of the October 13, 2015 bills prelist presented for payment with the total being \$200,157.41. The total amount is based on \$74,000 for the General Fund, \$24,400 for Water & Sewer Operations, \$45,000 for Retirement Fund, \$2,600 for Vehicle Maintenance, \$24,000 for E911, and \$30,300 for the General Capital Fund.

Trustee McDonough moved and Trustee Grujanac seconded the motion to approve the bills prelist as presented. The roll call vote was as follows: AYES: Trustees Servi, McDonough, McAllister, Grujanac, Hancock, and Feldman. NAYS: None. ABSENT: None. ABSTAIN: None. Mayor Brandt declared the motion carried.

#### **5.0 CITIZENS WISHING TO ADDRESS THE BOARD (on agenda items only)**

##### **5.1 Riverside Road Pulte Recapture Agreement**

Mr. Jeff Rothbart from KZF Stack (KZF), the potential developer adjacent to the proposed Pulte project, Camberley Club stated KZF wrote a letter of concern to the Board regarding the proposed recapture agreement included in the Pulte agenda items at the meeting tonight. Mr. Rothbart noted if Camberley Club is approved, it is KZF's opinion the recapture agreement is not appropriate for this project. Mr. Rothbart noted that if KZF was doing their project alone, no traffic signal would be needed at the intersection of Riverside Road and Milwaukee Avenue. Mr. Rothbart noted Pulte is electing to enter off of Riverside Road rather than through Sedgebrook. Mayor Brandt noted she was not sure Sedgebrook would have allowed entering/exiting through their development for the proposed Pulte project.

Mr. Rothbart informed the Board discussions never took place between KZF and Pulte regarding cost sharing of the roadway improvements. KZF is willing to pay for the roadway improvements specifically required along the length of the property they proposed to develop but did not think it was equitable to pay a share of the traffic signal improvements via a recapture agreement, plus be required to pave the gap in the roadway between the proposed Pulte development and their development.

Mr. Rothbart noted additional concern with the proposed monument sign at the corner of New Riverside Road and Milwaukee Avenue; stating it gives the appearance that Riverside Road is a private entrance to Camberley Club. KZF does not feel it is appropriate to pay for a road that appears to be a private entrance for the Pulte subdivision. If recapture is required, KZF would like the monument sign moved where the Camberley Club entrance is or would suggested all the proposed future developments along Riverside Road get the same monument signage in the current proposed area.

Mr. Rothbart stated if the Board moves forward and elects recapture as appropriate, KZF would ask the Board to table the current recapture agreement because KZF does not think the current terms and conditions of the recapture agreement are equitable or fair. KZF believes additional Sedgebrook acreage, yet to be developed should be included in the math of the recapture agreement. Mr. Rothbart also noted disagreement with the scope of the recapture agreement stating if KZF pays recapture then KZF should in turn benefit or be paid recapture from the Boznos and Sedgebrook properties should they develop at some time in the future. Mr. Rothbart noted KZF is proposing no recapture and all developments pay their own improvements. Mr. Rothbart requested the Board not approve the recapture agreement as part of the vote for the Pulte development, Camberley Club.

Village Attorney Simon noted representatives from the proposed Pulte development should reserve any comments until the items are formally discussed under 8.1 on the meeting agenda.

Trustee McDonough asked if KZF would be able to move forward with their project if the recapture agreement was approved. Mr. Rothbart noted KZF would need to know more about the costs of the improvements and recapture before a decision could be made to move forward.

Trustee Servi asked if the need for the light would not exist if KZF was the only approved project. Village Manager Burke noted staff would require a traffic study to determine if the light was required. The comprehensive Land Use Plan calls for realignment of the intersection and a signal at this location, regardless of a traffic study, and would have been included in discussions with any future development. Mr. Rothbart noted KZF would be happy to get a traffic study done.

Trustee Hancock asked why staff deemed this light necessary. Village Manager Burke noted, currently there is a business park across the street and when developing the Land Use Plan, realignment of the intersection to connect with the existing light in this location would complete the intersection. Village Manager Burke noted his opinion that any developer would desire to provide this for the residents to provide safe ingress and egress from Riverside onto Milwaukee Avenue. Village Manager Burke noted he would expect future residents would desire this intersection improvement as well.

A discussion regarding proposed percentages of the recapture agreement; the benefit of the planned roadway restoration to be performed by Pulte; and the parcels to benefit from the improvements followed. Village Planner Robles noted lot 1 of Sedgebrook is part of the Continuing Care Campus PUD and as part of the annexation agreement, Sedgebrook provided a future build out plan for the area which will add to the Continuing Care Campus. This build out would direct lot 1 traffic in and out of the Sedgebrook entrance. Mr. Rothbart noted Sedgebrook lot 1 should be noted in the recapture agreement if there is any possibility the parcel could be subdivided and access Riverside Road. Village Planner Robles stated if Sedgebrook was added to the recapture agreement it would have no effect on the percentage KZF would be required to pay for the intersection since the percentage is based on the number of trips generated on the approved development. Village Attorney Simon noted the only way the Sedgebrook lot would be a part of the recapture is if they

subdivided, and if they did not get access through Sedgebrook. Mr. Rothbart noted during the length of the recapture, Sedgebrook could decide to subdivide and sell to an outside party; the parcel would come before the Board as Pulte is currently.

Mayor Brandt asked who created the recapture agreement. Village Attorney Simon noted he worked with staff and Pulte to put the recapture agreement together. Mayor Brandt asked if KZF was in discussions when putting together the agreement. Village Attorney Simon noted KZF was not part of the agreement discussions. Village Attorney Simon noted this type of process is typical; especially where the developer is committing to front the costs of the required improvements without any assurance future development will occur.

Trustee Grujanac asked if any proposed housing development for this area, whether Sedgebrook or any other, would be required to realign the intersection to include a traffic light. Village Planner Robles noted what was specified in the Land Use Plan was any development at the corner in question would be required to align this intersection. Trustee Grujanac noted, this was not done due to Pulte but because it was a Board decision. Village Planner Robles noted this was also a requirement of Erickson when they were owners of Sedgebrook.

Trustee Hancock asked how the recapture agreement was generated with a non-approved subdivision. Village Attorney Simon stated it is routine for recapture agreements to be negotiated between the developer responsible for doing the original improvement and the Village; it is very uncommon for the future benefit property owners to participate during such negotiations. Village Attorney Simon noted it is up to the Village to make sure the allocation of costs bears a rational relationship to the benefit the improvements will create regarding benefit of properties.

Trustee Feldman asked what would happen to the recapture agreement if KZF backs out or is not approved. Village Attorney Simon noted this is a risk Pulte bears, and any future developments would take on the recapture agreement if KZF is not approved or backs out.

Trustee Servi asked what the duration of the recapture agreement is. Village Attorney Simon stated the recapture agreement duration is 20 years.

Mr. Gene Martin, resident at Sedgebrook noted the following benefits will be the result of the Pulte project for Sedgebrook: the opportunity to dispose of acreage no longer needed by Sedgebrook resulting in a significant amount in tax savings for each residence; taking the benefit of the sale to put back into Sedgebrook; and the pathway from Sedgebrook connecting with Riverside. Mr. Martin noted all residents are in favor of the Pulte development and would like to see this move forward. Mr. Martin commended the Board and Trustees for being responsible and urged them to approve the Pulte development.

Mr. Steve Bauer, attorney with Meltzer Purtil & Stelle noted he represents Pulte and Lincolnshire Senior Care on behalf of Sedgebrook. Mr. Bauer wanted to respond to the comments raised by KZF noting there is no private agreement between Sedgebrook and Pulte relative to the recapture agreement.

Mayor Brandt stated this could be further discussed under items 8.11 and 8.12.

## **6.0 PETITIONS AND COMMUNICATIONS**

### **7.0 CONSENT AGENDA**

- 7.1 Approval of Contract to the Lowest Responsible Bidder, Green Acres Landscaping, Inc., for Landscape Corridor and Planting Area Maintenance Services at an Annual Cost of \$135,468.00 (Village of Lincolnshire)**
- 7.2 Approval of a Contract to Alpha Building Maintenance Service, Inc., Homer Glen, IL, for Village Custodial Services at an Annual Cost of \$25,764.00 (Village of Lincolnshire)**
- 7.3 Approval of Lincolnshire Sports Association (LSA) Request to Share LSA Summer Baseball Tournament Revenues with the Village of Lincolnshire (Lincolnshire Sports Association)**

Trustee McAllister moved and Trustee Grujanac seconded the motion to approve the Consent Agenda. The roll call vote was as follows: AYES: Trustees McAllister, Feldman, Hancock, McDonough, Servi, and Grujanac. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

## **8.0 ITEMS OF GENERAL BUSINESS**

### **8.1 Planning, Zoning & Land Use**

- 8.11 Approval of an Ordinance amending Ordinance No. 03-1861-38, which authorized an Annexation Agreement for the Sedgebrook Continuing Care Retirement Community, as further amended by Ord. No. 14-3321-47, to permit the development of Lot 2 for a proposed 86-unit attached single-family residential townhome community (Pulte Homes)**
- 8.12 Approval of an Ordinance amending Ordinance No. 03-1864-41 which established a Special Use for a Planned Unit Development (PUD) for a Continuing Care Retirement Community (CCRC), as further amended by Ord. No. 04-1899-15, 04-1905-21, and 14-3322-48, to remove Lot 2 from development restrictions related to the Sedgebrook CCRC, and granting a new Special Use for a Planned Unit Development, and approval of a Preliminary Development Plan for an 86-unit attached single-family residential townhome community (Pulte Homes)**

Mayor Brandt opened up items 8.11 and 8.12 together.

Village Planner Robles provided a brief update regarding the proposed Ordinances.

Trustee Servi noted KZF Stack's request regarding recapture was not unreasonable and thought the numbers should be revisited. Mayor Brandt suggested the Board give staff direction on the recapture and the sign issues.

Village Attorney Simon was excused for a brief discussion with Mr. Bauer relative to his representation with Sedgebrook.

Trustee McDonough asked for clarification regarding the park land donations and wanted to know if the final fees were the ones sent in an e-mail to the Board previously. Village Planner Robles noted the e-mail sent to the Board detailed the current fees. Donation fees were briefly discussed. Mayor Brandt asked if the entrance area with the bench was being considered a park. Village Planner Robles confirmed the entrance was being considered a park. Trustee McDonough noted he did not agree the park donations should be reduced and stated his opinion is the donation amount should go back to the original required amount and be remitted as a contribution to the Village. A brief conversation followed regarding the park site and revenues to the Village for the proposed park. Mayor Brandt asked if there was ever another area the Village has received land to offset the required monetary park donation. Village Planner Robles confirmed land has been taken in other developments in lieu of a fee for donation.

Mr. Mark Mastrococco, representing Pulte Homes provided a brief summary of their revised proposal and request for an Annexation Agreement and PUD to move forward with their project known as Camberley Club. Mr. Mastrococco noted Pulte disagrees with every comment KZF Stack representative, Mr. Jeff Rothbart made relative to the proposed recapture agreement. Trustee McDonough asked if Pulte was opposed to writing in something in the recapture agreement to include the Sedgebrook lot as part of the agreement. Mr. Mastrococco noted what the Village Attorney and staff have done to create the framework of the recapture agreement is what Pulte has done in every development that involves benefitting parties for future development.

Mr. Andy Heinen, Civil Engineer with Kimley-Horn and Associates, Inc., representing Pulte Homes noted the developer received a copy of the letter from KZF Stack regarding the recapture agreement and prepared a response to the letter which was distributed to the Board. Mr. Heinen provided a summary of the response relative to the proposed intersection realignment and recapture agreement.

Trustee Hancock asked for an update relative to the Architectural Review Board (ARB) approval and the designs going forward. Mr. Mastrococco noted the approval tonight incorporates ARB approved documents. Village Planner Robles noted if the designs are approved at the current meeting, Pulte would submit final renderings for approval and the final plans would be used to issue permits. If there are any significant changes to the final, the changes would need to go come back to the Board for approval.

Trustee Hancock moved and Trustee Feldman seconded the motion to approve an Ordinance amending Ordinance No. 03-1861-38, which authorized an Annexation Agreement for the Sedgebrook Continuing Care Retirement Community, as further amended by Ord. No. 14-3321-47, to permit the development of Lot 2 for a proposed 86-unit attached single-family

residential townhome community. The roll call vote was as follows: AYES: Trustees McAllister, Feldman, Hancock, Grujanac and Mayor Brandt. NAYS: Trustees McDonough and Servi. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

Trustee McAllister moved and Trustee Feldman seconded the motion to approve an Ordinance amending Ordinance No. 03-1864-41 which established a Special Use for a Planned Unit Development (PUD) for a Continuing Care Retirement Community (CCRC), as further amended by Ord. No. 04-1899-15, 04-1905-21, and 14-3322-48, to remove Lot 2 from development restrictions related to the Sedgebrook CCRC, and granting a new Special Use for a Planned Unit Development, and approval of a Preliminary Development Plan for an 86-unit attached single-family residential townhome community. The roll call vote was as follows: AYES: Trustees McAllister, Feldman, Hancock, Grujanac and Mayor Brandt. NAYS: Trustees McDonough and Servi. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

Mayor Brandt asked if the Board would like to give any direction regarding the future recapture agreement or if Village Attorney Simon wanted to provide an update regarding the discussion that took place between him and Mr. Steve Bauer.

Village Attorney Simon noted Sedgebrook is a party to the Annexation Agreement because they currently own the property. Mr. Bauer represents Sedgebrook and Village Attorney Simon wanted to see if there was an opportunity to have Sedgebrook make a covenant in the body of the agreement regarding whether or not the undeveloped area, in the future would have access to Riverside Road. Village Attorney Simon noted the attorneys were not able to reach any type of agreement.

Mr. Bauer noted he did reach a representative from Senior Care Facility but does not have a commitment to extend at this time.

Mayor Brandt suggested all parties work together in the future.

8.3 Public Works

8.4 Police

8.5 Parks and Recreation

8.6 Judiciary and Personnel

**9.0 REPORTS OF SPECIAL COMMITTEES**

**10.0 UNFINISHED BUSINESS**

**11.0 NEW BUSINESS**

**12.0 EXECUTIVE SESSION**

**13.0 ADJOURNMENT**

Trustee Grujanac moved and Trustee Hancock seconded the motion to adjourn. The voice vote was unanimous and Mayor Brandt declared the meeting adjourned at 8:25 p.m.

Respectfully submitted,  
**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk